

# EXHIBIT H

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ROBERT KOLINEK, individually	)	
and on behalf of all others similarly,	)	
	)	Case No. 13-cv-04806
Plaintiff,	)	
	)	Honorable Matthew F. Kennelly
v.	)	
	)	
WALGREEN CO.,	)	
	)	
Defendant.	)	

**DECLARATION OF JONATHAN E. FORTMAN**

Comes now Jonathan E. Fortman and hereby states and declares as follows:

1. I am over the age of eighteen and competent to make this Declaration.
2. I am an attorney representing Todd Spann, a class member in the above-referenced matter, who objected to the terms of the proposed settlement.
3. My co-counsel in this case are Steve A. Miller and John C. Kress.
4. I was licensed to practice law in 1992 in the State of Missouri.
5. For the past 20 years I have maintained a solo practice in St. Louis, Missouri.
6. For the past several years, I have concentrated my practice on representing franchisees in claims against franchisors. I have a national practice which involves claims throughout the United States.
7. While the majority of my practice involves cases in which I have a contingent fee agreement with my clients, I occasionally consult with franchise clients and other counsel utilizing an hourly rate. For the past three years, the rate I charge in those types of matters has been \$400.00 per hour.

8. Steve A. Miller, my co-counsel, has been a licensed attorney since 1977. For the past 38 years, Mr. Miller has been a trial attorney in complex commercial matters and has been involved in numerous trials, arbitrations and appeals throughout the country.
9. John C. Kress, my co-counsel, was licensed as an attorney in the State of Missouri in 2001. Mr. Kress and I have acted as co-counsel in several matters including class action matters in which we were appointed lead counsel.
10. Based upon my billing rates and my experience over 23 years of practice throughout the United States, I believe that a billing rate of \$400 per hour is conservative and within the market rate charged by other attorneys with the same experience as my co-counsel and myself.
11. That my co-counsel and me have tracked the time we spent in this case from initial client contact through the filing of the Motion to Withdraw the objection filed by Mr. Spann.
12. Attached hereto is a breakdown of the hours spent by my co-counsel and me in this matter. All fractional hours have been rounded down to the next whole hour.
13. That Myself and my co-counsel have expended a total of 165 hours in this matter.

I hereby declare under penalty of perjury that the foregoing statements are true and accurate.

/S/ Jonathan E. Fortman  
Jonathan E. Fortman

Dated this 21<sup>st</sup> day of August, 2015.

Kolinek v. Walgreen Co.

<u>Activity</u>	<u>Attorney<sup>1</sup></u>	<u>Time</u>
Discussions with client;	JEF	3
Review of notice; review of	JCK	1
Settlement website including all	SAM	1
Court documents disclosed therein		
Research of Prescription Refill Reminder	JEF	10
Calls; numerous studies and various documents	JCK	22
Concerning mortality rates, hospitalization		
rates and the impact of prescription		
refill reminder calls on health		
Research and Review Petitions to FCC	JEF	14
Re TCPA exception concerning refill	JCK	3
Reminder calls; review of public comments		
Concerning same; review of FCC Ruling		
Dated 7/10/2015		
Draft objection of Todd Spann	JEF	7
	JCK	8
	SAM	2
Continued review of docket including	JEF	4

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<sup>1</sup> JEF=Jonathan E. Fortman  
JCK = John C. Kress  
SAM = Steve A. Miller

Other objections and Plaintiff's Memorandum In Support of Settlement	JCK SAM	10 2
Receipt and Review of subpoena Served on Law Office of Jonathan E. Fortman, LLC. Legal research And drafting of objection to said Subpoena; consultation with co- Counsel	JEF JCK SAM	17 9 2
Drafting Notice of Non-appearance And Notice of Additional Authority and Filing same with court	JEF	2
Discussions with Class Counsel; emails to/from class counsel; correspondence by/between Class Counsel; drafting of Proposed Joint Stipulation; discussions With co-counsel	JEF JCK SAM	17 11 4
Draft Motion to Withdraw Objection and File same with court; confer With co-counsel; review with client	JEF JCK SAM	8 3 2
Continued review of docket and Various pleadings filed	JEF JCK	2 1
TOTAL ATTORNEY TIME:		165